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Attorneys for Plaintiffs, Operating Engineers'  
Health And Welfare Trust Fund for Northern California, et al.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OPERATING ENGINEERS' HEALTH AND  
WELFARE TRUST FUND FOR NORTHERN  
CALIFORNIA, et al.,

Plaintiffs,

v.

TERRAMARK GENERAL ENGINEERING  
CONTRACTORS, INC., et al.,

Defendant.

Case No.: 4:22-cv-05631-HSG

**PLAINTIFFS' REQUEST TO  
CONTINUE CASE MANAGEMENT  
CONFERENCE; DECLARATION OF  
MATTHEW P. MINSER IN  
SUPPORT THEREOF; ORDER  
THEREON (as modified)**

Date: January 10, 2023  
Time: 2:00 p.m.  
Location: Courtroom 2, 4<sup>th</sup> Floor  
1301 Clay Street  
Oakland, CA 94612  
Judge: Hon. Haywood S. Gilliam, Jr.

Plaintiffs herein respectfully request that the Case Management Conference, currently on calendar for January 10, 2023, be continued for approximately forty-five (45) days. In compliance with the Court's December 20, 2022 Order (Dkt. No. 12), Plaintiffs also provide details of their contact with Defendants and their intent to pursue entry of default.

Good cause exists for the granting of the continuance, as follows:

1. As the Court's records will reflect, Plaintiffs filed a Complaint in this matter on September 29, 2022 against Defendants Terramark General Engineering Contractors, Inc., a California

Corporation and Ravjot Kaur Dhaliwal, an Individual (hereinafter collectively “Defendants”). (Dkt. No. 1.)

2. Plaintiffs served both Defendants on October 12, 2022, by service on Ravjot Kaur Dhaliwal, individual Defendant and as Agent for Service of Process of the corporate Defendant Terramark General Engineering Contractors, Inc. (Dkt. No. 11.)

3. On October 17, 2022, Ravjot Kaur Dhaliwal contacted Plaintiffs’ Counsel and Plaintiffs’ Client Representative by e-mail claiming that the amounts owed to Plaintiffs had been paid and claiming that Defendants had fully complied with Plaintiffs’ request for an audit.

4. In e-mails beginning October 17, 2022, Defendant Ravjot Kaur Dhaliwal continued communicating directly with Plaintiffs’ Client Representative by e-mail regarding the amounts still owed, and the documents still outstanding and required to complete the audit demanded by Plaintiffs.

5. On October 31, 2022, Defendants provided a letter to Plaintiffs’ Counsel and Plaintiffs’ Client Representative by e-mail which Defendants titled an “official answer and response to the above referenced complaint filed by the plaintiffs(s).” A true and correct copy of Defendants’ letter is attached as Exhibit “A”.

6. On October 31, 2022, Plaintiffs’ Counsel responded to Defendants by e-mail, stating that (1) Any answer to the Complaint must be timely filed with the Court; (2) Terramark General Engineering is a California corporation and therefore is not permitted to represent itself in Federal Court and must be represented through an attorney; and (3) Ravjot Kaur Dhaliwal is personally and individually liable for all amounts owed by Terramark General Engineering based on the terms of its collective bargaining agreement.

7. Plaintiffs’ Counsel’s October 31, 2022 e-mail also states that if Plaintiffs’ Client Representative confirms that adequate progress is being made to resolve the amounts owed, then Plaintiffs will hold on pursuit of a judgment. The email also states that if adequate progress is not being made, then Plaintiffs will immediately resume litigation. Finally, Plaintiffs’ Counsel’s October 31, 2022 e-mail also requests that if Defendants elect to retain an attorney, that the attorney immediately contact Plaintiffs’ Counsel once hired.

8. Defendants' deadline to file a response to the Complaint was November 2, 2022.

9. As of January 3, 2023, Plaintiffs' Counsel has not been contacted by any attorney for either Defendant and no answer or other responsive pleading has been filed with the Court. Moreover, Plaintiffs' Client Representative has confirmed that adequate progress is not being made to resolve the amounts owed.

10. Therefore, Plaintiffs informed Ravjot Kaur Dhaliwal on January 3, 2023 that Plaintiffs are proceeding with requesting the default of both Defendants.

11. Plaintiffs intend to request entry of default of both Defendants by January 9, 2023 (unless the Court requires that the request be filed by an earlier date).

12. Therefore, there are no issues that need to be addressed by the parties at the currently scheduled Case Management Conference. In the interest of conserving costs as well as the Court's time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled Case Management Conference to allow Plaintiffs to request the entry of default of both defendants.

I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above-entitled action, and that the foregoing is true of my own knowledge.

Executed this 3rd day of January 2023, at San Jose, California.


SALTZMAN & JOHNSON LAW CORPORATION

By: /S/  
Matthew P. Minser  
Attorneys for Plaintiffs

**IT IS SO ORDERED.**

The currently set Telephonic Case Management Conference is hereby continued to February 28, 2023 at 2:00 p.m., and all previously set deadlines and dates related to this case are continued accordingly.

DATED: 1/4/2023

  
Honorable Haywood S. Gilliam, Jr.  
UNITED STATES DISTRICT COURT JUDGE